

AMENDED IN ASSEMBLY JUNE 20, 2006

AMENDED IN SENATE MAY 3, 2006

AMENDED IN SENATE APRIL 3, 2006

SENATE BILL

No. 1638

Introduced by Senator Figueroa
(Coauthor: Assembly Member Laird)

February 24, 2006

An act to add Sections 2509 and 2516 to the Business and Professions Code, relating to midwives.

LEGISLATIVE COUNSEL'S DIGEST

SB 1638, as amended, Figueroa. Midwives: advisory council: annual report.

Existing law, the Licensed Midwifery Practice Act of 1993, provides for the licensing and regulation of midwives by the Board of Licensing of the Medical Board of California. A violation of the act is a crime.

This bill would provide for the creation of a Midwifery Advisory Council, as specified. The bill would also require each licensed midwife who assists, or supervises a ~~person acting under his or her orders in assisting student midwife in assisting, in a normal~~ childbirth *occurring in an out-of-hospital setting* to annually report to the Office of Statewide Health Planning and Development certain information regarding his or her practice for the previous year. The bill would require the office *to maintain the confidentiality of the information submitted pursuant to this requirement. The bill would require the council* to report the aggregate information to the board, and would require the board to report that *aggregate* information to the

Legislature in its *own* annual report. The bill would provide that a violation of these requirements is not a crime.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2509 is added to the Business and
2 Professions Code, to read:

3 2509. The board shall create and appoint a Midwifery
4 Advisory Council consisting of licensees of the board in good
5 standing, who need not be members of the board, and members
6 of the public who have an interest in, ~~or knowledge of,~~ midwifery
7 practice, including, but not limited to, home births. *At least*
8 *one-half of the council members shall be California licensed*
9 *midwives.* The council shall make recommendations on matters
10 specified by the board.

11 SEC. 2. Section 2516 is added to the Business and
12 Professions Code, to read:

13 2516. (a) Each licensed midwife who assists, or supervises a
14 ~~person acting under the midwife's orders to assist, in normal~~
15 ~~student midwife in assisting, in childbirth that occurs in an~~
16 ~~out-of-hospital setting~~ shall annually report to the Office of
17 Statewide Health Planning and Development. The report shall be
18 submitted in March, with the first report due in March 2008, for
19 the prior calendar year, in a form specified by the office and shall
20 contain all of the following:

21 (1) The midwife's name and license number.

22 (2) The calendar year being reported.

23 (3) The following information with regard to cases in which
24 the midwife, ~~or someone supervised by the~~ *the student* midwife,
25 assisted in the previous year ~~when the intended place of birth at~~
26 ~~the onset of care was an out-of-hospital setting:~~

27 (A) The total number of clients served as primary caregiver *at*
28 *the onset of care.*

29 (B) The total number of clients served with collaborative care
30 ~~available through, or given by, or backup from, a~~ *a licensed*
31 *physician and surgeon.*

32 (C) *The total number of clients served under the supervision of*
33 *a licensed physician and surgeon.*

~~(C)~~

(D) The number by county of live births attended as primary caregiver.

~~(D)~~

(E) The number by county of cases of fetal demise attended as primary caregiver *at the discovery of the demise*.

~~(E)~~

(F) The number of women whose primary care was transferred to another health care practitioner during the antepartum period, and the reason for each transfer.

~~(F)~~

(G) The number, reason, and outcome for each elective hospital transfer *during the intrapartum or postpartum period*.

~~(G)~~

(H) The number, reason, and outcome for each urgent or emergency transport of an expectant mother ~~prior to labor~~ *in the antepartum period*.

~~(H)~~

(I) The number, reason, and outcome for each urgent or emergency transport of an infant or mother ~~during or after labor or birth~~ *the intrapartum or immediate postpartum period*.

~~(I) The location that was planned for the birth and, if different, the actual location of the birth.~~

~~(J) If multiple births, the number of these cases in total categorized by the number of infants per birth.~~

(J) *The number of planned out-of-hospital births at the onset of labor and the number of births completed in an out-of-hospital setting.*

(K) *The number of planned out-of-hospital births completed in an out-of-hospital setting that were any of the following:*

(i) *Twin births.*

(ii) *Multiple births other than twin births.*

(iii) *Breech births.*

(iv) *Vaginal births after the performance of a caesarian section.*

~~(K)~~

(L) A brief description of any complications resulting in the mortality of a mother or an infant.

~~(L) The number of student supervised births.~~

1 (M) Any other information prescribed by the board in
2 regulations.

3 ~~(b) The personal information of licensees required by this~~
4 ~~section, including the information specified in paragraph (1) of~~
5 ~~subdivision (a), shall be confidential and shall not be released in~~
6 ~~any public document. Personal information transferred to the~~
7 ~~board pursuant to subdivision (c) shall not be directly associated~~
8 ~~with any particular reported data, so as to maintain the~~
9 ~~confidentiality of reported information, and data shall be~~
10 ~~aggregated pursuant to subdivision (f).~~ *The Office of Statewide*
11 *Health Planning and Development shall maintain the*
12 *confidentiality of the information submitted pursuant to this*
13 *section, and shall not permit any law enforcement or regulatory*
14 *agency to inspect or have copies made of the contents of any*
15 *reports submitted pursuant to subdivision (a) for any purpose,*
16 *including, but not limited to, investigations for licensing,*
17 *certification, or regulatory purposes.*

18 (c) The office shall report to the board, by April, those
19 licensees who have met the requirements of subdivision (a) for
20 that year.

21 (d) The board shall send a written notice of noncompliance to
22 each licensee who fails to meet the reporting requirement of
23 subdivision (a). *Failure to comply with subdivision (a) will result*
24 *in the midwife being unable to renew his or her license without*
25 *first submitting the requisite data to the Office of Statewide*
26 *Health Planning and Development for the year for which that*
27 *data was missing or incomplete.* The board shall not take any
28 other action against the licensee for failure to comply with
29 subdivision (a).

30 (e) The board, in consultation with the office and the
31 Midwifery Advisory Council, shall devise a coding system
32 related to data elements that require coding in order to assist in
33 both effective reporting and the aggregation of data pursuant to
34 subdivision (f). The office shall utilize this coding system in its
35 processing of information collected for purposes of subdivision
36 (f).

37 (f) The office shall report the aggregate information collected
38 pursuant to this section to the board by July of each year. The
39 board shall include this information in its annual report to the
40 Legislature.

- 1 (g) Notwithstanding any other provision of law, a violation of
- 2 this section shall not be a crime.

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